

ISMAIL J. RAMSEY (CABN 189820)
United States Attorney

THOMAS A. COLTHURST (CABN 99493)
Chief, Criminal Division

ROBERT DAVID REES (CABN 229441)
Assistant United States Attorney

1301 Clay Street, Suite 340S
Oakland, California 94612
Telephone: (510) 637-3680
FAX: (510) 637-3724
Email: robert.rees@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	CASE NO. CR 23-198 HSG
)	
Plaintiff,)	
)	DETENTION ORDER (as modified)
v.)	
)	
OMAR WILLIAMS,)	
)	
Defendant.)	

On June 29, 2023, the defendant, Omar Williams, was charged via Indictment with being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1) and unlawful possession of a machinegun, in violation of 18 U.S.C. § 922(o). Dkt. 1.

This matter came before the Court for a detention hearing on September 12, 2023. The defendant was present and represented by Karen McConville, Esq. Assistant United States Attorney Robert David Rees appeared for the government. At the hearing, Pretrial Services submitted a bail report recommending that the defendant be detained as a danger to the community (Dkt. 9), and each counsel submitted proffers and arguments regarding detention.

Pretrial detention is warranted when the court determines there is no condition or combination of conditions that will reasonably assure the appearance of the person as required, or there is clear and

1 convincing evidence that no condition or combination of conditions will reasonably assure the safety of
2 any other person and the community. 18 U.S.C. § 3142(e) & (f)(2). Upon consideration of the facts,
3 proffers, and arguments presented, and for the reasons stated on the record, the Court finds by clear and
4 convincing evidence that no condition or combination of conditions will reasonably assure the safety of
5 any other person and the community. Accordingly, the defendant is detained pending trial in this matter.

6 The present order supplements the Court's findings and order at the September 12, 2023
7 detention hearing and serves as written findings of fact and a statement of reasons. As noted on the
8 record, the Court makes the following findings as the bases for its conclusion.

9 The history and characteristics of the defendant establish that he is a danger to the community.
10 § 3142(g)(3). The defendant has a long history of criminal behavior, starting with numerous arrests as a
11 juvenile between 1999 and 2004. By 2008, the defendant had been charged in this district with a
12 narcotics distribution offense, to which he pled guilty. While on supervised release for that matter, the
13 defendant was charged in this district again in 2012 with a narcotics distribution offense, along with
14 being a felon in possession of a firearm, and he also pled guilty to those two offenses. This same
15 incident amounted to a violation of his supervised release in the earlier case. He received a sentence of
16 36 months for his first federal conviction and an overall sentence of 60 months for the second, including
17 the revocation of his supervised release from the first conviction. The defendant was alleged to have
18 violated the terms of his supervised release after serving the second sentence at least twice, in 2018 and
19 2019. He is now charged once again in federal court with firearm offenses, indicating that prior federal
20 convictions and supervision have not been sufficient to deter his criminal conduct or mitigate the danger
21 he poses.

22 The nature and seriousness of the danger posed to any person or the community by the defendant
23 also establishes that he is a danger to the community. § 3142(g)(4). The defendant is an alleged
24 associate of a criminal gang, evidenced in part by a gang-related tattoo. His incomplete employment
25 history and unclear residential history further suggest he may be associating with persons engaged in
26 criminal behavior, as a 2019 supervised release violation allegation asserted. Pretrial Services' report
27 indicates that he has run from the police on three separate occasions, including in the instant case,
28 indicating that he may maintain a criminal lifestyle or mindset.

1 The nature and circumstances of the offense also weigh in favor of detention. § 3142(g)(1). The
2 defendant is alleged to have possessed a firearm as a convicted felon, a crime he has pled guilty to in
3 federal court in the past. That firearm is alleged to be a machinegun, a particularly dangerous type of
4 firearm. Additionally, the government proffered that he struck another vehicle while fleeing during the
5 incident in question, and that it occurred in the context of a gang-related police operation.

6 Accordingly, there is clear and convincing evidence that no condition or combination of
7 conditions will reasonably assure the safety of any other person and the community. This finding is
8 made without prejudice to the defendant's right to seek review of his detention or file a motion to re-
9 open the detention hearing if circumstances warrant it.

10 Pursuant to 18 U.S.C. § 3142(i), IT IS ORDERED THAT:

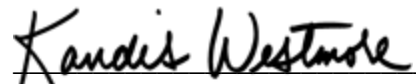
11 1. The defendant shall be committed to the custody of the Attorney General for confinement
12 in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or
13 being held in custody pending appeal;

14 2. The defendant be afforded reasonable opportunity for private consultation with counsel;
15 and

16 3. On order of a court of the United States or on request of an attorney for the government,
17 the person in charge of the corrections facility in which the defendant is confined shall deliver the
18 defendant to an authorized United States Marshal for the purpose of any appearance in connection with a
19 court proceeding.

20 IT IS SO ORDERED.

21 DATED: September 25, 2023

22 
23 HON. KANDIS A. WESTMORE
24 United States Magistrate Judge
25
26
27
28